(*b*) has any interview been made and if so, when;

(*c*) when was the intimation despatched from the Secretariat intimating the candidates to appear before the Selection Board;

(*d*) has any complaint from any of the candidates been received that he received the intimation only after the selection date;

(*e*) what action has been taken in the matter;

(*f*) will the Government be pleased to place the copy of the complaint and the orders passed thereon on the Council table?

Mr. Parambi Lonappen *(Minister for Revenue):*

(*a*) 29. Of these only 25 applications were received in time, *i. e.*, till 5th July 1947 according to the Notification dated 20th June 1947 published in the Cochin Government Gazette and local dailies.

(*b*) Yes. On Monday, 14th July 1947 at 4 p.m. at the Guest House, Trichur.

(*c*) On 9th July 1947.

(*d*) No.

(*e*) and (*f*) No answer is necessary in view of the answer to (*d*).

2. RULING FROM THE CHAIR REGARDING ADJOURNMENT MOTIONS

Mr. President: About the adjournment motions, by Mr. Dhara Singh and Mr. Koder, it seems to me it is a matter of some public importance and some urgency but it is not of such importance as to justify the breaking through of the normal business of the House and therefore the motions are out of order.

Then with regard to the adjournment motions from Mr. P. Govinda Menon I give the following ruling.

The adjournment motion is in respect of the action of the Government in disallowing certain resolutions admitted by me. The Government have done this under rule 41 (*a*) of the Legislative Council Rules read with section 6 (5) of the Government of Cochin Act. By this rule the discretionary power is vested in the Government to disallow a resolution on the ground that its discussion would be detrimental to public interest. The Hon'ble sponsor of the adjournment motion has stated that the purpose of the motion is not to question the authority of the Government but to censure them for not having used properly the discretion vested in them by rule 41 (*a*). Rule 41 (*a*) may or may not be a sound one but so long as the rule exists the Government have the discretion to allow a resolution on the ground of its being detrimental to public interests. Now, the issue here is whether the manner in which a statutory discretion was exercised by the Government could form the subject matter of an adjournment motion. The issue before me to-day is on a par with the issues on this matter considered and decided upon both in the British House of Commons and in the Central Legislative Assembly. It has long been an accepted dictum in the British House of Commons that when the Ministry exercises the discretion vested in it under a statutory power the action cannot be the subject matter of an adjournment motion. This does not of course preclude a legislature from criticising the action of the Government by means other than an adjournment motion. Within the House there are other ways open to do so. As long ago as 1924 and 1926 such adjournment motions have been disallowed by the speaker of the House of Commons and ever since that time the principle has been followed in the British Parliament. In the Central Legislative Assembly the Governor-General had the discretionary power to disallow resolutions on the ground of detriment to public interest. The adjournment motions tabled of course, not to question, the authority of the Governor-General to do so but to criticise his action in exercising his discretion had been disallowed on those occasions. It may be contended that this was under the old regime and things have changed now; but this contention cannot at any rate be raised against the decision made in the British House of Commons where it is still respected and followed. If there are persons who think that rule 41 (*a*) is not a sound one and entertain the apprehension that it gives opportunities to Government to stifle legitimate discussions upon matters of urgent public importance, the proper course would be to see that the rule is suitably amended if it is desirable to do so. But as long as the rule stands, the decisions and precedents made in respect of its interpretations and its implementations will have to be followed. For these reasons I rule that the motion is out of order.

3. LEGISLATIVE BUSINESS—GOVERNMENT BILLS

1. The Cochin Public Health Bill

Mr. K. Balakrishna Menon *(Minister for Food and Education):* Sir, I beg leave to present the report of the Select Committee on the Cochin Public Health Bill and move that the bill as modified by the Select Committee be taken into consideration.

LIBRARY ARCHIVES Kerala Legislative Assembly